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TAGS: PHUM, SOCI, PTER, SMIG, SCUL, USUN-3C
 SUBJECT: UN'S HIGH COMMISSIONER FOR HUMAN RIGHTS AND
 SPECIAL RAPPORTEURS ADDRESS UN'S THIRD COMMITTEE

1. SUMMARY: Reporting October 18-23 to the UN's Third Committee, which deals with human rights, the Special Rapporteurs (SRs) for Freedom of Religion and the Independence of Lawyers and Judges accused the USG of human rights violations at Guantanamo Bay. Referring to the USG indirectly, the SRs for Torture and Countering Terrorism criticized the use of "secret places of detention." Several delegations including China and Benin called for putting more emphasis on economic, social, and cultural rights, and the High Commissioner for Human Rights replied that there was a need to put these rights "on an equal footing with participatory rights." The SR on Extrajudicial Executions criticized the Human Rights Council (HRC), raising the specter of its becoming "discredited." He also said that of the 22 countries he had asked to visit, 19 had refused, and 8 of those were members of the HRC. END SUMMARY.

High Commissioner for Human Rights

2. High Commissioner for Human Rights (HCHR) Louise Arbour told the UN's Third Committee that her office had supported fact-finding missions "such as those dispatched to Darfur, Kyrgyzstan, and Togo in 2005, as well as to Timor-Leste, Liberia and Lebanon in 2006." She said, "The work of our Rapid Response Unit has enabled us to deploy human rights

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officers at very short notice, as in the case of Lebanon during the July crisis." Over the next year, she added, "We are preparing to add five new Regional Offices to our existing six."

3. Delegations including Sudan, Cuba, and China complained about the geographical imbalance of employees in the Office of the High Commissioner. China also stated that the human rights bodies of the UN had found economic, social, and cultural rights not as important as political rights, and that this unfortunate trend had actually worsened at the same time that the OHCHR's budget had doubled. The Benin delegate asked Ms. Arbour, "When will we condemn countries for violating the right to development in the same way we condemn countries ... for killing their own citizens?" Ms. Arbour replied that there needed to be strategies "for implementing these rights -- health, food, housing -- on an equal footing with participatory rights."

Extrajudicial Executions

4. Special Rapporteur (SR) on Extrajudicial, Summary, or Arbitrary Executions Philip Alston said that 19 of the 22 countries to which he had made requests to visit had either not responded or not made any progress towards a visit. Of those 19, 8 are members of the Human Rights Council (HRC). He also advocated the establishment of a human rights monitoring mission in Sri Lanka.

5. Talking about the HRC, Mr. Alston said that the real challenge was to re-establish the credibility of the UN itself to protect human rights. He said, "Whether the Council will rise to that challenge remains very much an open question." He commented that in the HRC he had seen "efforts to hamper the system of special procedures." He warned of the possibility of the HRC becoming "discredited."

Human Rights Defenders

6. Special Representative of the Secretary General on Human Rights Defenders Hina Jilani pointed out that HR defenders were often the victims of trumped up charges. Responding to a question from Benin about "a small gap" between freedom of expression and defamation, Ms. Jilani stated that "an element of constructive criticism" differentiated the two. Regarding the problem of impunity of HR violators, Ms. Jilani called for the strengthening of institutions.

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Torture

7. SR on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment Manfred Nowak said that one of his preoccupations was "the focus on the absolute prohibition of torture, particularly in the context of counter-terrorism measures." He particularly criticized "the use of diplomatic assurances to circumvent the principle of non-refoulement (returning refugees to dangerous areas)" and "the use of secret places of detention." He warned that such arguments as the "ticking bomb" justification for torture "amount to opening up Pandora's box." More generally, Mr. Nowak talked of the importance of his carrying out unannounced visits to detention centers and unsupervised interviews with detainees. He chastised Russia for its failure so far to agree to those terms.

Freedom of Religion

8. SR on Freedom of Religion or Belief Asma Jahangir warned against "the negative stereotyping of some religions or beliefs." Referring to her report to the HRC on the detainees at Guantanamo Bay, she said, "I was concerned that some interrogation techniques were based on religious discrimination and were aimed at offending the religious feelings of detainees. The report carries a number of recommendations, which I hope will be considered by the USG."

Internally Displaced Persons

9. Special Representative of the Secretary General on Internally Displaced Persons (IDPs) Walter Kalin said that in Darfur and Iraq, "the number of IDPs continues to grow and their governments, together with the international community, seem unable or sometimes even unwilling to protect their lives and well-being in any meaningful manner." Separately, he called the right of return "necessary" and said that IDPs always have a right to return "even after integration in another country" and even when "provided an opportunity for a new life."

Independence of Judges and Lawyers

10. SR on the Independence of Judges and Lawyers Leandro Despouy reported that during exceptional situations, such as

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states of emergency, he had noticed an erosion of guarantees of human rights, with jurisdiction often taken from ordinary courts and given to military tribunals. Referring to a joint report on Guantanamo Bay presented to the HRC in September, Mr. Leandro said, "Since that report, the United States has approved a law authorizing secret prisons, harsh interrogations, and military tribunals."

Violence Against Women

11. SR on Violence Against Women Yakin Erturk called violence against women a form of terrorism and recommended legally binding international codes of conduct for transitional non-state actors, including multinational corporations. She suggested that her mandate be amended so that she would also report to the Commission on the Status of Women.

Human Rights while Countering Terrorism

12. SR on the Protection and Promotion of Human Rights and Fundamental Freedoms while Countering Terrorism Martin Scheinin listed "secret places of detention, rendition flights, racial profiling, and the targeting of minorities, refugees, and asylum seekers" among examples of the negative impact of counter-terrorism measures on human rights. He added that any profiling that does occur "should be based on behavior rather than in-born characteristics." He said that terrorist lists should not be criminal sanctions, and therefore "must be revisited," including automatic review by an independent body and automatic removal, or "lapse," after 6 or 12 months. Asked about the SR on Human Rights Defenders, Mr. Scheinin said that they had "complementary mandates" and that they worked together.

Right to Food

13. SR on the Right to Food Jean Ziegler, calling himself "a socialist," said that the USG had refused to accept certain human rights law, not out of cynicism, but from a position that the world market would ultimately absorb and resolve extreme poverty and epidemics. "The American position, as intelligently as it is articulated, is a wrong theory and in contradiction with the facts," he explained.

14. Mr. Ziegler used a great deal of his time to condemn Israel and its policies. For example, he recommended "that

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the Government of Israel be held responsible under international law for any violation of the right to food of the Lebanese civilian population and comply with its obligation to ensure that all victims of violations of the right to food receive adequate reparation and compensation for the losses suffered during the war as well as for ongoing losses due to the disruption of livelihoods." The Israel delegate responded by asking why Mr. Ziegler had not equally called for the Government of Lebanon to compensate Israelis.

15. Mr. Ziegler said that the Doha trade round had collapsed because "the most developed countries, particularly the EU and the US, have not lived up to their promises to promote

development through trade." He added, "If Doha does not succeed, the WTO will die, which may not be a bad thing."

Effects of Debt on Human Rights

16. Independent Expert on the Effects of Economic Reform Policies and Foreign Debt on the Full Enjoyment of all Human Rights said that the Multilateral Debt Relief Initiative was likely to have less positive impact on the Millennium Development Goals than initially expected. He added, "No amount of debt relief can take the place of trade for developing countries."

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